

Customer No. 24498
Attorney Docket No. RCA89462

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ESKICIOGLU, Ahmet Mursit, et al.
Ser. No.: 09/936,415
Filed: February 1, 2002
For: A GLOBAL COPY PROTECTION SYSTEM FOR DIGITAL HOME
NETWORKS
Examiner: CHAI, Longbit
Art Unit: 2131

Renewed Petition under 37 CFR §1.137(b)

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia, 22313-1450

Sir:

Responsive to the Decision on Petition dated June 8, 2010, having a period for response that expired on August 8, 2010, which period is extended to expire on November 8, 2010 by the attached Petition for Extension of time, Applicants hereby submit the following Renewed Petition to Revive. Please charge the fee for the extension, and any other fee due in connection with this Renewed Petition to Deposit Account 07-0832.

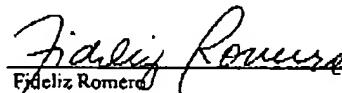
The Decision on Petition dismissed Applicants' Petition to Revive for Patent Abandoned Unintentionally under 35 USC §1.137(b), filed on March 22, 2010, on the basis that the Petition did not provide an explanation for the unintentional delay, noting that the Application had been abandoned for two years prior to the filing of the Petition to Revive, and it was unclear when Petitioner discovered that the Application had been abandoned.

The Application became abandoned on November 18, 2007, for failure to file an Appeal Brief after filing a Notice of Appeal on September 17, 2007. A Notice of Abandonment was mailed on August 7, 2008.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being faxed to the United States Patent & Trademark Office, fax # 571-273-8300, Mail Stop: Petitions on:

11-5-10
Date


Fideliz Romero

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In support of the Renewed Petition, the undersigned states the following:

I am an attorney employed by Thomson Licensing and am responsible for the prosecution of the subject Application.

On September 17, 2007 I signed the Notice of Appeal to be filed in the subject Application. At the time of filing the Notice of Appeal, my regular Administrative Assistant, Dan Gold, was unavailable, and as a result, a temporary Administrative Assistant, Joan Sanders, was assigned to handle the actual filing of the Notice of Appeal. Attached as Exhibit A is the Notice of Appeal and the Certificate of Transmission indicating that Joan Sanders filed the Notice of Appeal.

In that regard, my standing instruction to my regular Administrative Assistant was that a file that required a follow-up was to be returned to a designated location in my office immediately after filing the necessary papers. In this case, the temporarily assigned Administrative Assistant inadvertently returned the file to the general files.

Attached as Exhibit B is a copy of the front cover of the file for the subject Application. As indicated by Exhibit B, the front cover was annotated to indicate that a response was filed on September 17, 2007, but the annotation failed to indicate that the response was a Notice of Appeal, which required a follow up action. By contrast, the Notice of Appeal, with the required follow up, was properly indicated for the Notice of Appeal filed on May 22, 2006.

Additionally, the standard practice in our office is that any item that requires a follow up action must be entered into an electronic database, which automatically generates a reminder to the responsible attorney. In this case the Notice of Appeal was not entered into the electronic database. Attached as Exhibit C is a screen shot of a portion of the electronic database listing the docketed items for the subject Application. It can be seen that an entry was properly made for the Appeal filed on May 22, 2006, with a due date of July 22, 2006 automatically generated. No such Appeal entry was entered for the Notice of Appeal filed on September 17, 2007.

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Due to the above, there was no reminder in place, either physically, by an indication on the file itself or by the presence of the file in my office, or electronically, for the Appeal Brief and subsequently the Application became abandoned.

As to the Notice of Abandonment, I became aware of the abandonment about mid January 2010, when I reviewed the file in connection with a foreign corresponding application.

The Notice of Abandonment was mailed on August 7, 2008. However, I did not receive any notification of the Notice as it appears that the Notice was inadvertently lost during the routing within our office. As indicated in Exhibit C, the electronic database indicates that the Notice was received and entered into our system on August 12, 2008. However, as indicated in Exhibit B, the actual copy of the Notice was not entered into the file itself.

The standard practice in our office is that: 1) a database specialist enters the papers from the USPTO into our database; 2) a second administrative assistant matches the paper with the file and delivers the paper and file to the administrative assistant assigned to the responsible attorney; 3) the administrative assistant assigned to the responsible attorney attaches the paper to the file, annotates the file and delivers the file to the attorney. In this case, there is no indication that the paper was ever matched with the file, and no record on the front of the file acknowledging the entry of the Notice of Abandonment into the file.

Upon becoming aware of the abandonment in mid January 2010, I carefully reviewed the contents of the entire file, but did not find a copy of the Notice of Abandonment, or any other notifications regarding abandonment, in the file.

Upon reviewing the electronic database and learning that the Notice of Abandonment was entered in our system on August 12, 2008, I concluded that the Notice must have been lost during the routing of the paper. Subsequently, I

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prepared a response in due course and filed the Petition to Revive on March 22, 2010.

Based on the above, I believe that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Respectfully submitted,
AHMET MURSIT ESKICIYOGLU, ET AL.

By: 
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Date: 11/5/10